

REMARKS

The final Office Action mailed July 6, 2006 has been carefully reviewed and the foregoing amendments have been made in consequence thereof.

Claims 1-6, 8-9, 11-13, 15, 24, and 25 are now pending in this application. Claims 1-6, 8-9, 11-13, and 15 stand rejected. Claims 2, 4, 8, and 15 have been amended to correct minor informalities. Claims 24 and 25 are newly added. No additional fee is due for newly added Claims 24 and 25.

Entry of this amendment is proper under 37 CFR § 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration as the amendment relates to issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) places the application in better form for appeal, should an appeal be necessary. The amendments herein are necessary and were not earlier presented because they are made in response to arguments raised in the final Office Action. Entry of this amendment is thus respectfully requested.

The rejection of Claims 1-6, 8, 9, 11-13, and 15 under 35 U.S.C. § 112 is respectfully traversed.

The Examiner rejected Claims 1-6, 8, 9, 11-13, and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner asserts that independent Claims 1, 6, and 11 are misdescriptive. Claims 1, 6 and 11 have been amended to clarify a structural relationship between an engagement portion of a bottom mullion and portions defining a first channel of the bottom mullion.

Claims 2-5 depend, directly or indirectly, from independent Claim 1; Claims 8 and 9 depend, directly or indirectly, from independent Claim 6; and Claims 12, 13 and 15 depend, directly or indirectly, from independent Claim 11.

The Examiner further asserts that “said bottom panel” recited in Claim 15 lacks a proper antecedent basis. Claim 15 has been amended to recite “said casing” for which antecedent basis is provided in Claim 1.

Accordingly, for at least the reasons set forth above, Applicants respectfully request that the Section 112 rejections of Claims 1-6, 8, 9, 11-13, and 15 be withdrawn.

The rejection of Claims 1-6, 8, 9, 11-13, and 15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,134,626 to Kordes (hereinafter referred to as “Kordes”) is respectfully traversed.

Kordes describes a door (10) of a refrigerator cabinet. The door (10) includes an outer door face (12) and a retainer (30). The outer door face (12) includes an outer wall (14), a side wall (16), and a rim (18). The retainer (30) includes an opening portion (32) and an opening portion (34). The opening portion (32) includes a plurality of wall portions defining a substantially u-shaped cavity (38) that receives the rim (18) of the door face (12).

As shown in Figure 4, the wall portions defining the substantially u-shaped cavity (38) include a top wall, a right-hand side wall, and a bottom wall. The top wall includes (from left to right) a first portion, a middle connecting portion extending from the first portion, and a second portion extending from the middle connecting portion. The right-hand side wall extends substantially perpendicular to the second portion to connect the second portion and the bottom wall, which is substantially parallel to the top wall. Notably, Kordes does not describe or suggest an engagement portion or the opening portion (32) separating the opening portion (34) from an engagement portion that extends substantially perpendicular to the second portion of the opening portion (32).

Claim 1 recites a refrigeration appliance cabinet including “a bottom mullion, said bottom mullion comprising a pair of adjacent channels and an engagement portion proximate a first channel of said pair of adjacent channels, said first channel defined by a first retainer portion, a guide portion extending obliquely from said first retainer portion, a second retainer

portion extending from said guide portion, a base portion extending substantially perpendicular to said second retainer portion, and a third retainer portion extending from said base portion in a direction substantially parallel to said first retainer portion, said first channel separating a second channel of said pair of adjacent channels from said engagement portion extending substantially perpendicular to said third retainer portion; and a casing ...”

Kordes does not describe or suggest a refrigeration appliance cabinet as recited in Claim 1. More specifically, Kordes does not describe or suggest a refrigerator appliance cabinet that includes a bottom mullion including a first channel separating a second channel of a pair of adjacent channels from an engagement portion extending substantially perpendicular to a third retainer portion of the first channel, as required by Applicants' claimed invention. Rather, in contrast to the present invention, Kordes merely describes a retainer (30) having a pair of opening portions (32) and (34) each defined by substantially u-shaped wall structure. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Kordes.

Claims 2-5 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-5 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-5 likewise are patentable over Kordes.

Claim 6 recites a refrigerator cabinet including “a bottom mullion, said bottom mullion comprising a pair of adjacent channels and an engagement portion, said first channel of said pair of adjacent channels partially defined by a first retainer portion, a guide portion extending obliquely from said first retainer portion, a second retainer portion extending from said guide portion, a base portion extending substantially perpendicular to said second retainer portion, and a third retainer portion extending from said base portion in a direction substantially parallel to said first retainer portion, said first channel separating a second channel of said pair of adjacent channels from said engagement portion extending substantially perpendicular to said third retainer portion; ...”

Kordes does not describe or suggest a refrigeration cabinet as recited in Claim 6. More specifically, Kordes does not describe or suggest a refrigerator cabinet that includes a bottom mullion including a first channel separating a second channel of a pair of adjacent channels from an engagement portion extending substantially perpendicular to a third retainer portion of the first channel, as required by Applicants' claimed invention. Rather, in contrast to the present invention, Kordes merely describes a retainer (30) having a pair of opening portions (32) and (34) each defined by substantially u-shaped wall structure. Accordingly, for at least the reasons set forth above, Claim 6 is submitted to be patentable over Kordes.

Claims 8 and 9 depend, directly or indirectly, from independent Claim 6. When the recitations of Claims 8 and 9 are considered in combination with the recitations of Claim 6, Applicants submit that dependent Claims 8 and 9 likewise are patentable over Kordes.

Claim 11 recites a refrigerator cabinet including "a casing; an inner liner within said casing, ...; and a bottom mullion, said bottom mullion comprising a pair of adjacent channels and an engagement portion, said bottom mullion configured to receive a portion of said inner liner, said casing configured to receive a portion of said bottom mullion with press fit engagement, a first channel of said pair of adjacent channels at least partially defined by a first retainer portion, a guide portion extending obliquely from said first retainer portion, a second retainer portion extending from said guide portion, a base portion extending substantially perpendicular to said second retainer portion, and a third retainer portion extending from said base portion in a direction substantially parallel to said first retainer portion, said first channel separating a second channel of said pair of adjacent channels from said engagement portion extending substantially perpendicular to said third retainer portion."

Kordes does not describe or suggest a refrigeration cabinet as recited in Claim 11. More specifically, Kordes does not describe or suggest a refrigerator cabinet that includes a bottom mullion including a first channel separating a second channel of a pair of adjacent channels from an engagement portion extending substantially perpendicular to a third retainer portion of the first channel, as required by Applicants' claimed invention. Rather, in contrast

to the present invention, Kordes merely describes a retainer (30) having a pair of opening portions (32) and (34) each defined by substantially u-shaped wall structure. Accordingly, for at least the reasons set forth above, Claim 11 is submitted to be patentable over Kordes.

Claims 12, 13, and 15 depend, directly or indirectly, from independent Claim 11. When the recitations of Claims 12, 13, and 15 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 12, 13, and 15 likewise are patentable over Kordes.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-6, 8, 9, 11-13, and 15 be withdrawn.

Newly added Claim 24 depends indirectly from independent Claim 1. When the recitations of Claim 24 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 24 likewise is patentable over the cited art. More specifically, Applicants respectfully submit that none of the cited art describes a refrigeration appliance cabinet including a bottom mullion including a first channel separating a second channel of a pair of adjacent channels from an engagement portion extending substantially perpendicular to a third retainer portion of the first channel, wherein a bottom rail comprises a contoured end portion received within a second channel and formed in a shape substantially complementary to a shape of a first retainer portion, a guide portion, and a second retainer portion of the bottom mullion. Therefore, Applicants submit that Claim 24 is patentable over the cited art.

Newly added Claim 25 depends indirectly from independent Claim 11. When the recitations of Claim 25 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claim 25 likewise is patentable over the cited art. More specifically, Applicants respectfully submit that none of the cited art describes a refrigeration appliance cabinet including a bottom mullion including a first channel separating a second channel of a pair of adjacent channels from an engagement portion extending substantially perpendicular to a third retainer portion of the first channel, wherein a lower rail comprises a

contoured end portion received within a second channel and formed in a shape substantially complementary to a shape of a first retainer portion, a guide portion, and a second retainer portion of the bottom mullion. Therefore, Applicants submit that Claim 25 is patentable over the cited art.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

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